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Administrative Rights Forms
Lakewood Sheriff's Station PM Shift In-Service for 06-16-2010,
EM Shift In-Service for 06-17-2010
Training Records, Weapons Qualifications Records and Assignment Card for Deputy Daniel Mailloux

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OFFICER INVOLVED SHOOTING FORM

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#### COUNTY OF LOS ANGELES

#### SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 7, 2010

FILE NO. IV2277585, SH2268975

FROM:

STEPHEN B. JOHNSON, COMMANDER TO:

KARYN MANNIS, CAPTAIN

INTERNAL AFFAIRS BUREAU

SUBJECT:

EXECUITIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS

USE OF/FORCE

CUSTODY DIVISION

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on June 16, 2010

The Committee met on November 18, 2010, and consisted of me, Commander Daryl Evans, Custody Operations Division, and Commander Michael J. Rothans, Field Operations Region III.

#### The Committee deemed:

- as Founded, the allegation that Deputy Daniel Mailloux # violated the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about June 6, 2010, he failed to properly perform his duties and/or failed to perform hisr duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for his position, as evidenced by but not limited to:
  - unnecessarily putting himself, and/or his partner, Deputy in an unsafe position by failing to adequately communicate, and/or coordinate with Deputy prior to handling a priority call of "illegal shooting", and/or placing Deputy and himself in a position of disadvantage by splitting up prior to confronting potentially armed suspect(s), and/or
  - Failing to communicate, and/or coordinate, with responding units prior to handling, and/or arriving at potentially armed suspect(s) location, and/or

c) Failing to safeguard himself by approaching the potentially armed suspect(s) in close proximity with your vehicle, and/or bringing his vehicle to a stop in close proximity of the potentially armed suspect(s).

The Committee recommended that Deputy Daniel Mailloux # receive a suspension with loss of pay and benefits for 3 days.

KM:RSP/rsp

#### SHERIFF'S DEPARTMENT

A Tradition of Service

DATE:

December 7, 2010

OFFICE CORRESPONDENCE

FILE NO.

SH2268975

IV2277585

FROM:

STEPHEN B. JOHNSON, COMMANDER CUSTODY DIVISION

TO:

KARYN MANNIS, CAPTAIN INTERNAL AFFAIRS BUREAU

SUBJECT:

EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:

DEPUTY DANIEL MAILLOUX #

DEPUTY

LAKEWOOD STATION

Deputies Daniel Mailloux and were responding to a call regarding a call of "illegal shooting" in the vicinity of Eucalyptus Avenue, Bellflower. The call stated five shots were heard, but nothing was seen.

As the deputies approached the location, they encountered a security guard who indicated he heard shots being fired in the vicinity. The deputies then made contact with the property manager of the location who directed them to the rear parking lot of the location and described the involved parties wearing gray colored shirts and black pants. While speaking with the property manager, Deputy Mailloux saw two individuals (Witness and Suspect Luckett) matching the description at the end of the driveway to the rear parking lot.

Deputy Mailloux drove to the rear parking area, while Deputy walked through the carport area. When Deputy Mailloux arrived in the rear parking area, he ordered Suspect Luckett and Witness at gunpoint to raise their hands and walk to the hood of the patrol car. Witness complied with the orders. Suspect Luckett, however, raised his hands as he walked toward the hood, but then dropped his left hand toward his waistband. Deputy Mailloux again ordered Suspect Luckett to raise his hands and he complied. Suspect Luckett then placed a beer he was holding in his right hand on the hood of the patrol car and guickly moved his left hand to his rear waistband area.

Fearing Suspect Luckett was arming himself and in fear for his life, Deputy Mailloux fired one round at Suspect Luckett, striking him.

Suspect Luckett sustained a gunshot wound to the upper torso. He was transported to Long Beach Memorial Hospital where he was pronounced dead. No weapon was recovered, but one expended .45 caliber shell casing from Deputy Mailloux's weapon was recovered at the scene.

On November 18, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

#### Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Daniel Mailloux # was reasonable and necessary and in compliance with Department policy.

Stephen Johnson, Commander

EBS:RSP/rsp



## County of Los Angeles Sheriff's Department Headquarters



4700 Ramona Boulevard Monterey Park, California 91754-2169

June 2, 2011

Deputy Daniel Mailloux, #

Dear Deputy Mailloux:

On February 8, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2277585. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated May 10, 2011, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days. However, pursuant to the EBD agreement, the three (3) days will be held in abeyance for a period of twelve (12) months which will end on May 9, 2012. All Department records will reflect, nevertheless, that you received a three (3) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the three (3) days held in abeyance will be imposed.

An investigation under File Number IAB 2277585, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about June 6, 2010, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

- a) unnecessarily putting yourself, and/or your partner (Deputy in an unsafe position by failing to adequately communicate, and/or coordinate with him (your partner) prior to handling a priority call of "illegal shooting", and/or placing him (your partner) and you in a position of disadvantage by splitting up prior to confronting suspects, and/or;
- b) failing to communicate, and/or coordinate with responding units prior to handling, and/or arriving at a potentially armed suspect(s) location, and/or;
- c) failing to safeguard yourself by approaching a potentially armed suspect(s) in close proximity to your vehicle, and/or bringing your vehicle to a stop in close proximity of a potentially armed suspect(s).

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Christy Guyovich, Captain Commander, Lakewood Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

#### CG:JMG:bs

c: Advocacy Unit
Thomas M. Laing, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lakewood Station/unit Personnel File

#### EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Daniel Mailloux, Employee No. hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in IAB No. 2277585 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

- 1. Both parties agree that the three (3) days suspension shall stand.
- 2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the three (3) days in abeyance pending completion of the below listed classes.
- 3. Both parties agree and understand that the Grievant's records will reflect that the three (3) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.
- 4. The Grievant further agrees to attend and complete the below listed EBD course and understands that failure to complete the course and assignment shall result in the imposition of the three (3) days held in abeyance:
  - Lieutenants' Interactive Forum for Education (LIFE) class (8 hours)
  - 7 Habits of Highly Effective People (24 hours)
  - Imagine 21 (32 hours)
  - Write an EBD evaluation reflecting on your experience with the EBD process
- 5. The Department may adjust the Grievant's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.
- 6. The Grievant agrees to cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

P\$ 125/11

- 7. The Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.
- 8. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.
- 9. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred to herein.
- 10. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

- 11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.
- 12. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Daniel Maillaux Danistry

Daniel Mailloux, Deputy

Pate: 5-12-

hristy Guyovich, Captain

# Los Angeles County Sheriff's Department Officer Involved Shooting

Page \_1\_ of \_4\_

Report Date:	une 16,2	010	Bureau/Station/Facility:	Lakewe	ood Stat	ion	Admin. Inv	rest.?	Hit?
				ndiden Inform	tion				
URN:	010-13	964-13	37-013	Date:	June 16	3,2010	T	me: 2	2143 Hours
City or Station:		Bellfl	ower	Nature of Incident: Apt. Complex and en	Deputies recountered S	espond to Shots	Fired call. De		ux drove to rear of red both individuals at
Location:	Eucalypti			gunpoint to show the	ir hands.	complied. S	/Luckett was i	olding a be	er in his right hand
				his rear waistband. F at Luckett, striking hi	earing Luck m in the upp	kett was arming per torso. He wa	himself, and ir	fear of his	placed his left hand to life, he fired one round 3. Memorial Hospilal.
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Beach		Daylig		Fleeing Suspect				rvation	
Business		Other	t Lights	Foot Pursuit				Person Unit	
Freeway Industrial		- Gueen	i eignio	Gun Take Away			Othe		
Park		Weather	(circle only one):	Moving Vehicle Sniper/Ambush		l	-	ch Warrant	
Parking Lot	,	Clear		Startle			Iwo	Person Unit	
Residence		Cloud		Struggle involved		Ì	Prior A	ctivity ( <i>circl</i>	e only one):
Rural		Fog		Traffic Stop				ctive	. ,
School		Rain		Unarmed Person	>			ite Transpor	t
Street		Distance	<u> </u>	Unintentional			Othe		_
Other:		Distance	<del>,</del>	Vehicle Pursuit Warrant Service			Rou	tine Patrol	>
Total # of Shots Fired	by Deputy	Total # o	f Shots Fired by Suspect	Warning Shot		}			
4		<del>_</del>	None	_			Aero (	Jnit?	Canine Unit?
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### Officer Involved Shooting

URN: 010-13964-1337-013

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7		1,127,128		Coloramoniation	Y Park			na ka	of Oles
Arrival	Date 06-16-10	Arrival Time	2330 Hours	Date Submitted		Date of Recommendation			
Employ		Brickert			First NameSco	ott		M.i	J.
Employ		Ramirez			First Name aC	k		M.i	Н.
Employ	/ee # Last Nam	Rios			First Name Im	my		M.I	J.
			Sheet	ngaroice mom	ation –				
Meth	od				Typ	e of Injury	Body	Part I	njurea
(AW) (BC) (BI) (BF) (CN) (CR) (CT) (CT) (TD)	Anven Baton:(Control) Baton:(Impact) Bodily Fluids Canine Carotid Restraint Choke Hold Control Holds:(Control Tech Control Holds:(Team Taked Control Holds:(Takedown)		Other Weapon Other Weapon Personal Wea Personal Wea Personal Wea Personal Wea Personal Wea Resistance	n: Blunt Object n: Other pon: Feet/Leg: (Kick) pon: Feet/Leg: (Sweep) pon (Hand/Arm) pon (Push)	(AB) (BR) (BU) (CP) (CO) (DH) (DB) (FR)	Abrasion Bruise Burn Complaint of Pain Concussion Death Dislocation Dog Bite Fractures	(AD) (AK) (AR) (BK) (BT) (CH) (EL) (FA)	Abdor Ankle Arm Back Buttoo Chest Elbow Face Feet	nen ks

(CIT)	Choke Holo		(1212)	Personal wea	apon (Pusn)
(CT)	Control Holds: (Control Tec	hnique	s) (PO)	Personal Wea	apon (Other)
(TT)	Control Holds: (Team Take)	down)	(RS)	Resistance	
(TD)	Control Holds:(Takedown)		(CN)	Restraint Dev	rice (Capture Net)
(CE)	Chemical		(RH)	Restraint Dev	rice (Handcuffs)
(OC)	Chemical Agents (OC Spra	ly)	(HB)	Restraint Dev	rice:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Ga	s)	(TP)	Restraint Dev	rice:Hobble (TARP)
(EX)	Explosives		(RE)	Restraint Dev	rice: REACT Belt
(FH)	Firearm (Handgun)		(SP)	Sap	
(FR)	Firearm (Rifle)		(SH)	Shield	
(FS)	Firearm (Shotgun)		(SG)	37mm Stinger	r
(FO)	Firearm (Other)		(SB)	Sting Ball	
(FB)	Flashbang		(ST)	Stun Bag	
(FL)	Flashlight		(TR)	Taser	
(OE)	Other Weapon: Edged		(UC)	Uncooperative	e
Bran	d				
(AK)	AK-47	(IV)	iver Johnson	(RI)	RGI
(BN)	Benetti	(JÉ)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Martin	(ST)	Sterling

(AB)	Abrasion	(AD)	Abdomen
( <b>B</b> R)	Bruise	(AK)	Ankle
(BU)	Burn	(AR)	Arm
(CP)	Complaint of Pain	(BK)	Back
(CO)	Concussion	(BT)	Buttocks
(DH)	Death	(CH)	Chest
(DI)	Dislocation	(EL)	Elbow
(DB)	Dog Bite	(FA)	Face
(FR)	Fractures	(FE)	Feet
(GS)	Gunshot	(FI)	Fingers
(HB)	Human 8ite	(GE)	Genitals
(LC)	Lacerations	(GR)	Groin
(ND)	Nerve Damage	(HD)	Hand
(OD)	Organ Damage	(HE)	Head
(PA)	Paralysis	(HI)	Hip
(PW)	Puncture Wound	(IN)	Internal
(SD)	Soft Tissue Damage	(KN)	Knees
(\$T)	Sprain/Twists	(LE)	Leg
(UN)	Unconscious	(NK)	Neck
		(SH)	Shoulder
(RM)	Refused Med Treatment	(WR)	Wrist
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Bran	rd .				
(AK)	AK-47	(IV)	iver Johnson	(RI)	RGI
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(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Martin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCi aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

car	iper				
(9)	9 mm	(24)	,243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

#### FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	HK	45	Y	Y	GS	CH
					<del>                                     </del>			
		<u></u>						
						} 		

## Officer Involved Shooting Involved Employee Information

URN: 010-13964-1337-013

Page <u>3</u> of <u>4</u>

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		net bilde særeti			REID.	Oyas k				M - 27	
E_1	Employee #	Last Name Mailloux					First N	Dani			M.ł.
	Sex: Race: White	Rank Deputy		Unit Assignme Lakew	nt: ood Sta	ation	Work As	ssignment (U	init #, Module, e 133E		
	ShiftTime (circle only one); EM PM Eay	ShiftType (circle only one)  Regulat Overtime O	ff Duty	Intoxication/Da	ug Usage	?	Substar	ice Used:			
į	Hospital Admission?	Hospital Name:		Coroner Case	? 🗌		Corone	r Case #			Interviewed?
	Hrs of sleep prior to shooting: Unknown	Outs Time (bre):	_	(circle only one): lothes no Vesi		ket w/ Vest	Other F	actors:			
	Age: Height:	Weight: 160		Nothes w/ Vest acket no Vest - C	Uniform o						
	Range Qualification Date:		PPC Qu	alification Date:				Laser Train	ing Date:		
	Certified with Weapon Used?	Patrol Certification?		ation Unit:		Prior Sheet	tings?	Numb Shoot	er of Prior ngs:	Direct	led Force.
	Weapons Fired Brand: Heckler &	Caliber Koch 45mi		hots 1	Weapon Brand:	s Fired			Caliber	-	# Shots
	Field Training Officer Emp #	Last Name					First Na	ame			М.І.
	Field Training Officer Emp #	Last Name					First Na	ame			M.I.
Ε	Employee #	Last Name					First N	lame			<b>M</b> .1.
	Sex: Race:	Rank		Unit Assignme	nt:		Work As	ssignment (U	hit #, Module, e	etc.):	
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	Hrs of sleep prior to snooting:	Duty Time (hrs):		(circle anly one): Clothes no Vest		ket w/ Vest	Other F	actors:		,	
	Age: Height:	Weight:		lothes w/ Vest ackel no Vest	Uniform r						
	Range Qualification Date:		PPC Qu	alification Date:				Laser Train	ing Date:		
	Certified with Weapon Used?	Patrol Certification?	Certific	ation Unit:		Prior Shoo	otings?	Numb Shoot	er of Prior ngs:	Dire	ded Force:
	Weapons Fired Brand:	Caliber	# S	hots	Weapon Brand:	is Fired			Caliber	3	# Shots
	Field Training Officer Emp #	Last Name					First Na	arne			M.I.
	Field Training Officer Emp #	Last Name					First Na				M.I.
E	Employee #	Last Name					First N			<u> </u>	M.I.
	Sex: Race:	Rank	•	Unit Assignme	nt:		Work As	ssignment (U	nit #, Module, e	etc.):	
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime O	ff Duty	Intoxication/Dr	ug Usage	7 📗	Substar	ice Used:			
	Hospital Admission?	Hospital Name:		Coroner Case	? 🔲		Corone	r Case #			Interviewed?
	Hrs of sleep prior to shooting:	Outy Time (hrs):		(circle only one): Jothes no Vest		ket w/ Vesi	Other F	actors:			
	Age: Height:	Weight:		lothes wi Vest acket no Vest	Uniform r Uniform						
	Range Qualification Date:		PPC Qu	alification Date:				Laser Train	ing Date:		
	Certified with Weapon Used?	Patrol Certification?	Certifica	ation Unit:		Prior Shoo	otings?	Number Shooti	er of Prior ngs:		eled Force:
	Weapons Fired Brand:	Caliber	# S	hots	Weapon Brand:	s Fired			Caliber	•	Shots
	Field Training Officer Emp #	Last Name					First Na	ime			M.L.
	Field Training Officer Emp #	Last Name					First Na	ame			MI

## Officer Involved Shooting Suspect Information

ved Shooting URN: 010-13964-1337-013

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